



FREDERICK COUNTY PLANNING COMMISSION

April 8, 2015

TITLE: **Westview South Lot 107**

FILE NUMBER: **SP 12-11, AP 15099, APFO 15100, FRO 15101**

REQUEST: **Site Development Plan Approval**
The Applicant is requesting site plan approval for 20,750 square foot shopping center, on a 2.66-acre site

PROJECT INFORMATION:

ADDRESS/LOCATION: Located at the corner of MD 85 and Executive Way, south of Executive Way.

TAX MAP/PARCEL: Tax Map 86, Parcel 269
COMP. PLAN: Office/Research/Industrial
ZONING: Mixed Use Development (MXD)
PLANNING REGION: Frederick
WATER/SEWER: W-3/S-3

APPLICANT/REPRESENTATIVES:

APPLICANT: Matan Companies
OWNER: Matan Companies
ENGINEER: Harris, Smariga & Associates, Inc.
ARCHITECT:
ATTORNEY:

STAFF: Tolson DeSa, Principal Planner II

RECOMMENDATION:

Conditional Approval

ATTACHMENTS:

Exhibit 1- Site Plan Rendering
Exhibit 2- Parking Space Modification
Exhibit 3- Parking Setback Modification
Exhibit 4- Light Spillage Modification
Exhibit 5- Lighting Height Modification

STAFF REPORT

ISSUE

Development Request

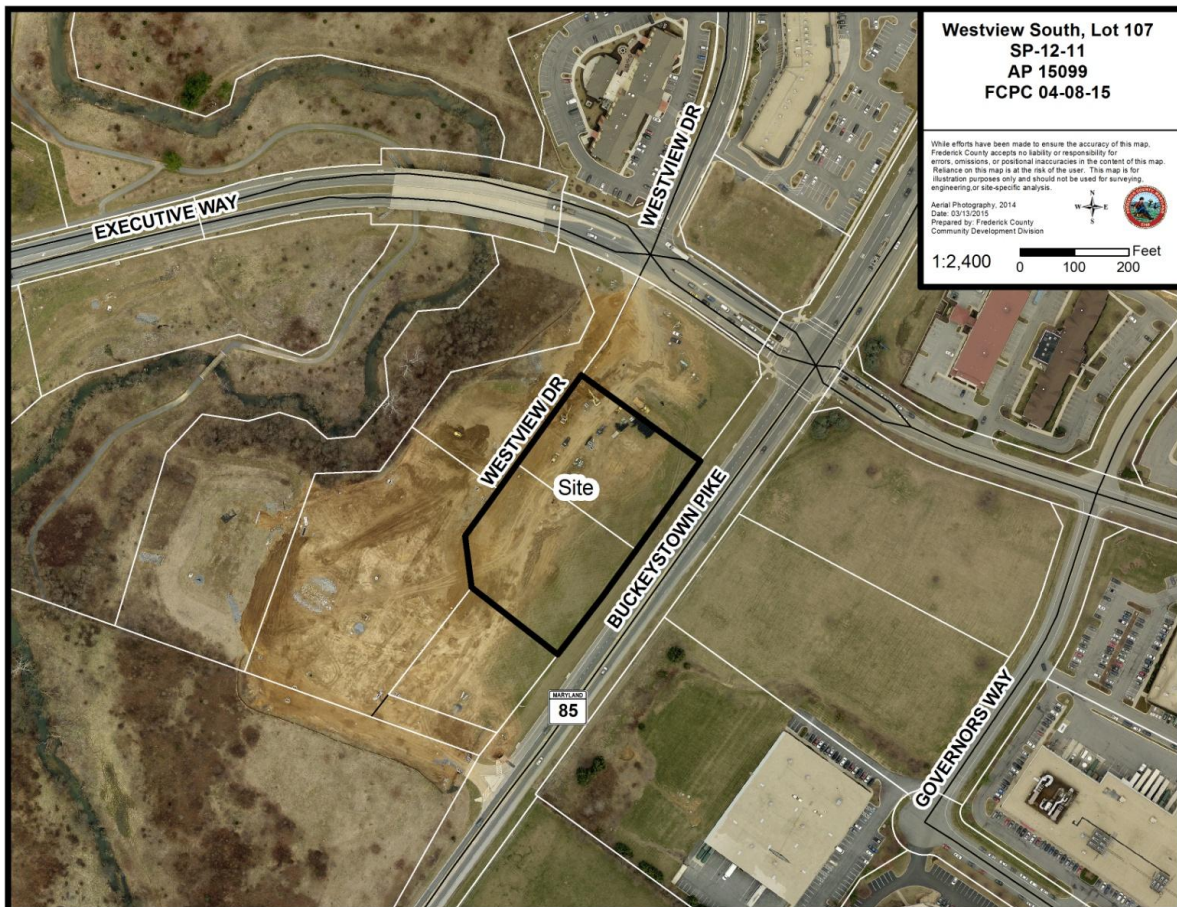
The Applicant is requesting site development plan approval for 20,750 square foot shopping center, on a 2.66-acre site. The proposed use is being reviewed as an "Shopping Center" land use under the heading of *Commercial Uses-Retail* per §1-19-5.310 Use Table in the Zoning Ordinance and is a principal permitted use in the General Commercial (GC) Zoning District subject to site development plan approval.

The site is designated for commercial development on the approved Westview South MXD Phase I plan. Under the MXD regulations in effect at the time of MXD approval permitted commercial uses include: All uses permitted in the General Commercial District of the zoning ordinance with the exception of auction house; lumber yard; mobile home sales; boat sales and service; farm equipment sales and service; carpentry, electric, plumbing, welding, printing and upholstering establishments; contractors, fencing, pool and siding; agricultural products processing; bottling plant; stone monument processing and sales; bus depot; recycling centers; animal auction sales; racetrack; and solid waste transfer stations. In accordance with these requirements, 'Shopping Center' is a principal permitted use in the General Commercial Zoning District subject to site development plan approval.

Modification Requests

1. Parking setback modification from required 25 ft setback along MD 85 to 12.5 ft.
2. Light spillage modification
3. Light pole height modification from a maximum 18 ft to 22 ft.
4. Parking modification to provide 24 spaces more than the 114 minimum required spaces

Graphic #1



Westview South Lot 107

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BACKGROUND

Development History

Rezoning History:

1994 – re-zoning included a residential component on the north side of Executive Way and on the north side of Corporate Dr. along New Design Rd.. A small portion of land on the northern portion of Westview is built-out with townhouses.

2001 – CASE # R-00-02) the 1994 MXD Plan was amended to create the separate Westview South MXD, which included the removal of the residential on the north side of Executive Way.

2013 – Case # R-00-02 (A) amended the 2001 MXD Plan to add back a residential component (max 615 dwellings) on the north side of Executive Way. The commercial area along MD 85 remained the same.

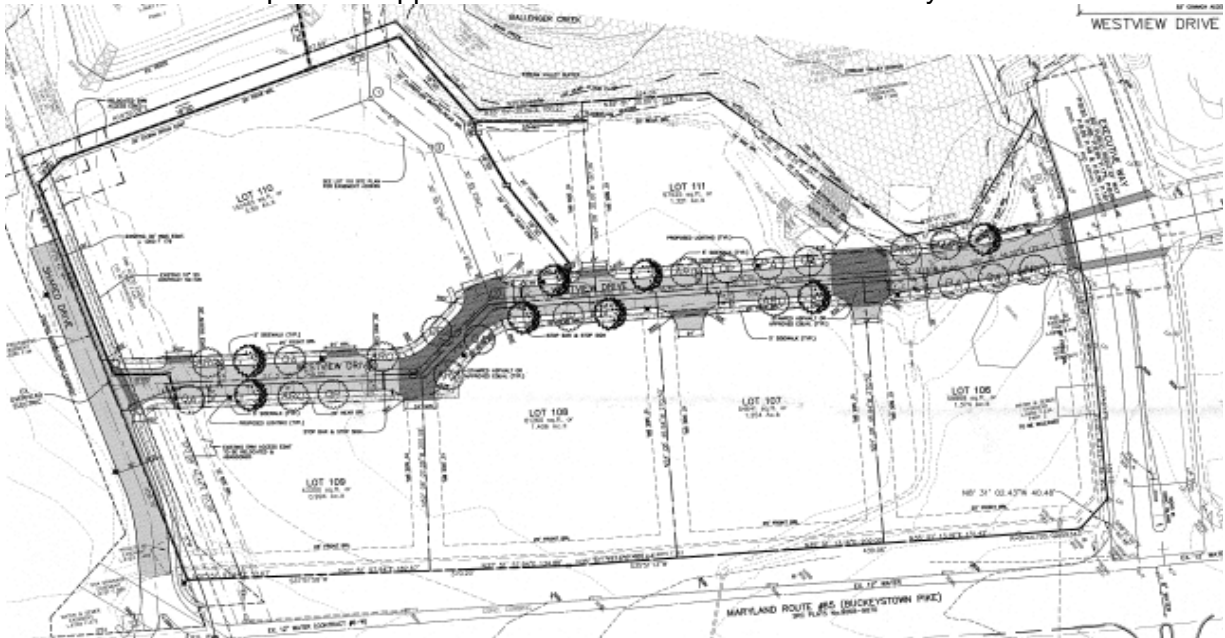
Subdivision/Site Plan History

The 2003 approved plan showed five lots on the area of this Site Plan application. The Preliminary Plan was signed in April 2005, and the APFO Letter of Understanding was signed by all parties in September 2005.

The approved Preliminary Plan with 31 lots was granted a three-year approval period with an expiration date of February 12, 2006. AP 9099 was approved in 2009 which extended APFO approval until 2/12/2016. The 2011 extension ordinance increased the expiration date to 2/12/2019.

On May 8, 2013 the FCPC reviewed a revision to the 2003 Preliminary Plan for Lot 102; the 2013 revision reconfigured the five approved lots into six commercial lots centered on a private through street known as Westview Drive (extended).

Graphic #2: Approved Westview 100 Series Preliminary Plan



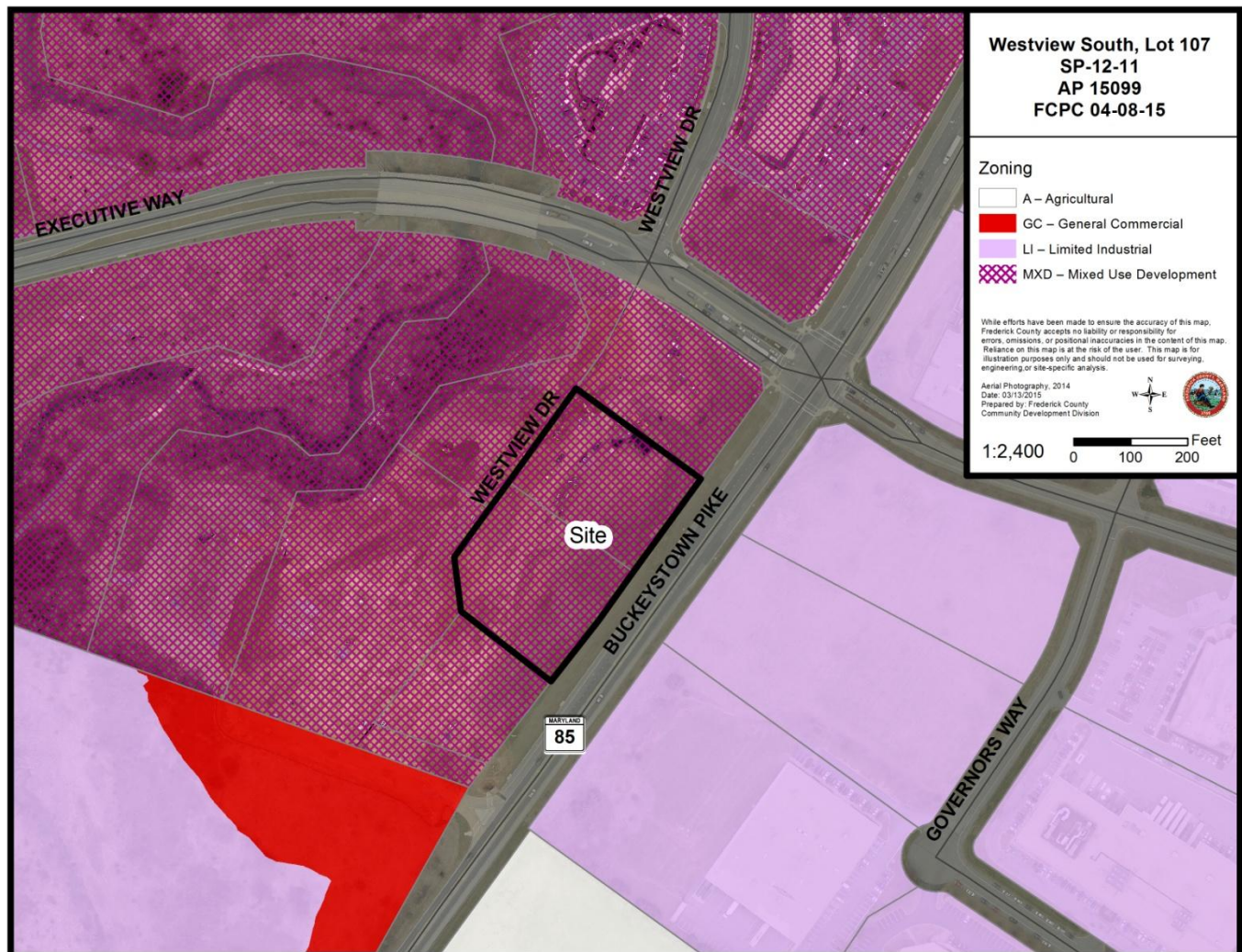
Below is a summary of the previous Site Plan approvals for other portions of the Westview South MXD:

- In September 2005 the FcPc reviewed and conditionally approved the Saul Center Site Plan, which is a mixed-use office/retail development and is located on the north side of Executive Way. That site is mostly completed except for some pad sites.
- In May 2006 the FcPc reviewed and conditionally approved the Abrams, Lot #210 Site Plan. Lot # 210 is located at the corner of New Design Road and Executive Way, adjacent to the Wedgewood Business Park and is fully built.
- In November 2007 the FcPc approved Abrams, Lot # 208. Lot # 208 is not built.
- In May 2013 the FCPC approved a Site Plan for a 117 room hotel, on a 3.50-acre site known as Lot 110 within the Westview South 100 Series Lots.

Existing Site Characteristics

The site is currently zoned Mixed Use Development (MXD), is a vacant parcel, is designated for commercial development on the approved Westview South MXD Phase I plan. The property to the north and west of the site is vacant and also zoned MXD with approval for the Westview South Office/Research Center. See Graphic #3 below.

Graphic #3



ANALYSIS

Summary of Development Standards Findings and Conclusions

The principle issue associated with the proposed plan was the overall design of the development. As part of the prior subdivision reviews the extension of Westview Dr. was proposed to be the focus of the development rather than MD 85. In order for Westview Dr. to be a “Main Street” with on-street parking and a narrow cross section it was allowed to be a private drive. Staff and the Applicant worked to design the proposed project so that it will integrate well with the existing adjacent commercial projects as well as MD 85. Lot 107 went through several alterations in order to adhere to the shopping center regulations within Z.O. Section 1-19-8.460. The buildings to be developed on lots 106, 107, 109, and 111 will have a primary face to Westview Dr. and will also have entrances facing the parking lot and MD 85.

Detailed Analysis of Findings and Conclusions

Site Development Plan Approval shall be granted based upon the criteria found in §1-19-3.300.4 Site Plan Review Approval Criteria as well as §1-19-8.460 Shopping Center Approval Criteria of the Frederick County zoning ordinance.

Site Development §1-19-3.300.4 (A): Existing and anticipated surrounding land uses have been adequately considered in the design of the development and negative impacts have been minimized through such means as building placement or scale, landscaping, or screening, and an evaluation of lighting. Anticipated surrounding uses shall be determined based upon existing zoning and land use designations.

Findings/Conclusions

1. **Dimensional Requirements/Bulk Standards for Shopping Center §1-19-8.460.C:** The proposed Site Development Plan adheres to the lot dimensions that were reviewed and approved by FCPC during the Preliminary Plan approvals for the Westview South MXD.

The proposed setbacks for the Lot 107 Shopping Center are the following:

	<u>Required</u>	<u>Proposed</u>
Minimum Lot Area	2 acres	2.66 acres
Minimum Lot Width	80'	202'
Front Yard	50'	156.5'
Rear Yard	30'	44'
Side Yard	30'	30'
Parking Setback	1/2/ setback	* Parking Setback Modification
Max Building Height	60'	19'

Parking Setback Modification Request: The Applicant is requesting a parking setback modification from 25' to 12.5' along the MD 85 frontage of the proposed development (See Exhibit #3). The Applicant is requesting this modification in order to have the MD 85 sidewalk closer to the shopping center parking in order to facilitate pedestrian access to the site, while also creating a more substantial 36' buffer between the road and the sidewalk. Staff has no objection to the parking setback modification request.

2. **Signage §1-19-6.300:** The Applicant is permitted to have 351 square feet of signage for Building "A" and 398 square feet of signage for Building "B" based on the length of the proposed structures. The signage calculation is listed in Site Plan Note #13 on Sheet 1 of the site plan. The Applicant is proposing building mounted signage, no monument or pylon sign is proposed. The Applicant has provided architectural profiles as well as a prototypical signage study on Sheet 3 of the site plan. The proposed amount of signage meets the requirements for a Shopping Center within the zoning ordinance.
3. **Landscaping §1-19-6.400:** The Applicant has provided a landscaping plan on Sheet 2 of the site plan. The landscaping plan proposes a mixed of evergreen and deciduous tree species in order to be compliant with the zoning ordinance as well as increase the aesthetic of the site and overall development. The proposed landscaping meets the requirements listed in 1-19-6.400 as well as 1-19-8.460.D of the Zoning Ordinance.
4. **Screening §1-19-6.400:** The majority of the parking areas are located on the MD 85 side of the proposed shopping center. The parking areas are screened from the MD 85 through the use of a mix of evergreen shrubs and deciduous trees located between the parking lot and the sidewalk.

5. **Lighting §1-19-6.500:** The Applicant has proposed a lighting plan, which is shown on Sheet 4 of the site plan. The lighting plan adheres to the requirements of 1-19-6.500 and does not show any light spillage over 0.5 foot candles, with the exception of the two shared drives adjacent to the undeveloped Lots 106 and 109. The Applicant has submitted a light spillage modification; (see Exhibit #4). Both areas of spillage are at low levels and locations for ideal for public safety and circulation in accordance with Staff policy associated with 1-19-6.500.

The Applicant has also submitted a lighting pole height modification request from the maximum 18 ft height for commercial uses (see Exhibit #5). The Applicant is proposing a maximum height for building mounted fixtures at 20', and a maximum pole height for parking lot lighting at 22'. The Applicant is trying to model the design of Lot 107 after the similar commercial uses within the adjacent Westview South development, which was approved with 22' light poles. The adjacent developed Lot 110 was approved for 22' light poles as well. Staff has no objection to this lighting pole height modification.

Conditions:

1. **Parking Setback Modification Request §1-19-6.200.B:** The Applicant is requesting a parking setback modification from 25' to 12.5' along the MD 85 frontage of the proposed development.
2. **Lighting Spillage Modification Request §1-19-6.500.G:** The Applicant is requesting a lighting spillage modification for the two shared drives adjacent to the undeveloped Lots 106 and 109.
3. **Lighting Height Modification Request §1-19-6.500.G:** The Applicant is proposing a maximum height for building mounted fixtures at 20', and a maximum pole height for parking lot lighting at 22'.

Transportation and Parking §1-19-3.300.4 (B): *The transportation system and parking areas are adequate to serve the proposed use in addition to existing uses by providing safe and efficient circulation, and design consideration that maximizes connections with surrounding land uses and accommodates public transit facilities. Evaluation factors include: on-street parking impacts, off-street parking and loading design, access location and design, vehicular, bicycle, and pedestrian circulation and safety, and existing or planned transit facilities.*

Findings/Conclusions

1. **Access/Circulation:** All of the proposed lots will take access from Westview Dr., which will be a private road. The proposed private drive will gain access from the existing Executive Way, which connects MD 85 with New Design Road. Westview Dr. will connect with another shared drive to the south of this site that in turn will run to MD 85 with a right-in/right-out access. A continuous 5' wide sidewalk will run continuous on both sides of Westview Dr. and on-street parking will be provided on the east side. There is a right in, right out ingress/egress onto MD 85 which is proposed at the southern end of the site. This access point has been dedicated to public use, and will provide an eventual shared access into the Russell Property.

Lot 107 is proposed to have two points of access off of the proposed Westview Drive. The northern most access will serve as a shared access point with the yet to be developed Lot 106, via an east-west shared drive that will serve both Lots 107 and 106. The southern access will serve as a shared access point with the yet to be developed Lot 109 via an east-west shared drive that will serve both Lots 107 and 109.

2. **Connectivity §1-19-6.220 (F):** The proposed site will take access from the proposed Westview Drive. Westview Drive provides connections to Executive Way to the north and the shared drive to the south extending toward MD 85. Lot 107 has two shared drives, which will eventually serve

Westview South Lot 107

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Lot 106 and 109.

3. **Public Transit:** The Transit Route 85 Shuttle, which has service Monday through Friday, runs along the eastern frontage of the site, on MD 85.
4. **Vehicle Parking and Loading §1-19-6.200-through 1-19-6.220 and 1-19-8.460:** The minimum parking required for a shopping center (1-19-8.460) is 5.5 spaces/1,000 sq. ft. of gross leasable floor area.

With 20,750 sq ft the minimum required spaces is 114 including 5 ADA accessible spaces. The Applicant has provided 125 off-street spaces, including 6 ADA spaces, in addition to the 13 on-street, marked spaces on Westview Dr. for a total of 138 spaces.

In accordance with §1-19-6.220.A.1, the Applicant is seeking a 24 space increase from the minimum 114 parking spaces. The Applicant has provided a modification statement (see Exhibit #2), and states that there will be shared parking agreements with Lots 106 and 109 and the adjacent commercial uses will be designed to create an interconnected network of buildings and uses, which will utilize the extra 24 parking spaces. Staff supports the increase of 24 spaces from the target parking number.

Loading Spaces: §1-19-6.210

As a multiple-user retail with over 5,000 sq ft of floor area the site plan would need to provide either one (1) large or two (2) small loading areas plus one (1) large loading area for the building area over 20,000 sq ft. The Applicant is proposing to use the on-street parking spaces along Westview Dr. to be used for loading. The loading spaces will be signed to prohibit parking during delivery hours.

5. **Bicycle Parking §1-19-6.220 (H):** The Applicant is required to provide 6 bike racks; the Applicant has provided 6 bike racks throughout the site, which will serve the two buildings.
6. **Pedestrian Circulation and Safety §1-19-6.220 (G):** The proposed Site Development Plan includes sidewalks along Westview Drive (extended), MD 85, as well as throughout the interior of the site. The Applicant has proposed crosswalks through the proposed site to connect to MD 85 as well as across Executive Way which will give access to the Ballenger Creek Trail.

Conditions:

1. **Parking Modification: 1-19-6.220.A.1:** Applicant is seeking a 24 space increase from the minimum 114 parking spaces.

Public Utilities §1-19-3.300.4 (C): *Where the proposed development will be served by publicly owned community water and sewer, the facilities shall be adequate to serve the proposed development. Where proposed development will be served by facilities other than publicly owned community water and sewer, the facilities shall meet the requirements of and receive approval from the Maryland Department of the Environment/the Frederick County Health Department.*

Findings/Conclusions

1. **Public Water and Sewer:** The site is to be served by public water and sewer and is classified W-3, S-3. The entire site is in pressure Zone #1 with water coming from the New Design Road Water Treatment Facility and Sewage will be treated at the Ballenger McKinney Wastewater Treatment Facility.

Natural features §1-19-3.300.4 (D): Natural features of the site have been evaluated and to the greatest extent practical maintained in a natural state and incorporated into the design of the development. Evaluation factors include topography, vegetation, sensitive resources, and natural hazards.

Findings/Conclusions

- 1. Topography:** The site is relatively flat with a slight raise in elevation from MD 85 in the center of the site.
- 2. Vegetation:** The site has been mass graded and is free of any vegetation.
- 3. Sensitive Resources:** Ballenger Creek runs along the northern end of Lot 111, which is located across Westview Drive (extended) from Lot 107. There are 100 year Floodplain areas along the northern boundary of Lots 110 and 111. Lot 107 does not contain any sensitive resources.
- 4. Natural Hazards:** There are no natural hazards located on Lot 107.

Stormwater Management – Chapter §1-15.2: Stormwater management has been provided in the existing approved regional pond (AP#2588). A surface sand filter provides water quality requirements. A waiver of channel protection volume was granted on 8/3/05. Mass grading (AP#2588), was approved on July 22, 2005, and amended for stormwater management AP#12688, on July 2, 2012.

Subdivision Regulations – Chapter §1-16: The Applicant has submitted an addition plat (AP 15257) which proposes to join Lots 108 and 107, to create a 2.66 acre lot to be known as Lot 107. The addition plat is in the final stages of approval.

APFO – Chapter §1-20: Adequate public facilities was approved by the FCPC on September 14, 2005, due to County extension ordinances in 2009 and 2011, the approval date was extended until February 12, 2019. An amended and restated LOU and a Second amended and restated LOU were approved in 2013 and 2014 respectively, neither of which specifically impacted this project.

Forest Resource – Chapter §1-21: FRO was reviewed and approved for this tract under AP# 7278.

Historic Preservation – Chapter §1-23: There are no historic resources located on this tract.

Other Agency or Ordinance Requirements	Comment
Development Review Engineering (DRE):	Conditional Approval
Development Review Planning:	Hold: Address all agency comments as the plan proceeds through to completion.
State Highway Administration (SHA):	Approved
Div. of Utilities and Solid Waste Mngt. (DUSWM):	Approved
Health Dept.	N/A
Office of Life Safety	Approved
DPDR Traffic Engineering	Approved
Historic Preservation	N/A

RECOMMENDATION

Staff has no objection to conditional approval of the Site Plan. If the Planning Commission conditionally approves the site plan, the site plan is valid for a period of three (3) years from the date of Planning Commission approval.

Based upon the findings and conclusions as presented in the staff report the application meets or will meet all applicable zoning, APFO, and FRO requirements once the following conditions are met:

1. Address all agency comments as the plan proceeds through to completion.
2. Development of 100 series lots 107 for Westview South shall comply with the rezoning Ordinance # 01-15-289 as the plan proceeds through to completion.
3. The liber folio numbers of the newly created 2.66 acre Lot 107 shall be listed on the final site plan under General Notes #2.
4. Grant the following Modification Requests
 - a. **Parking Modification: 1-19-6.220.A.1:** Applicant is seeking a 24 space increase from the 114 minimum required parking spaces.
 - b. **Parking Setback Modification Request §1-19-6.200.B:** The Applicant is requesting a parking setback modification from 25' to 12.5' along the MD 85 frontage of the proposed development.
 - c. **Lighting Spillage Modification Request §1-19-6.500.G:** The Applicant is requesting a lighting spillage modification for the two shared drives adjacent to the undeveloped Lots 106 and 109.
 - d. **Lighting Height Modification Request §1-19-6.500.G:** The Applicant is proposing a maximum height for building mounted fixtures at 20', and a maximum pole height for parking lot lighting at 22'.

PLANNING COMMISSION ACTION

MOTION TO APPROVE

I move that the Planning Commission **APPROVE** SP 98-36 **with conditions** as listed in the staff report including the four modification requests for the proposed 20,750 square foot shopping center, based on the findings and conclusions of the staff report and the testimony, exhibits, and documentary evidence produced at the public meeting.

Exhibit #1: Westview South Lot 107 Site Plan Rendering



Westview South Lot 107

April 8, 2015

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Harris, Smariga & Associates, Inc.

Planners/Engineers/Surveyors
125 S. Carroll Street, Suite 100/Frederick, MD 21701
301-662-4488/FAX 301-662-4906

January 8, 2015

Tolson DeSa
Frederick County Development Review
30 N. Market Street
Frederick, MD 21701

Re: Modifications – Westview Lot 107
Project Number SP#15099
HSA Job No. 7281-LT107

Dear Tolson:

As discussed at the TAC, there is a modification identified at this time associated with the parking for the two commercial buildings. The modification is as follows:

1. Parking Modification – Section 1-19-6.220.(A)(1)

The ordinance uses a table to determine the amount of parking spaces required for a site. Parking is limited to those number of spaces based on an evaluation of each use, hours of operation, and joint or shared parking agreements. An increase or reduction in spaces may be granted by the Planning Commission.

In the case of this project, we are providing more spaces than required by the parking table. However, the site is adjacent to numerous other commercial lots and is centrally located in the subdivision. Although not a shopping center, the uses throughout the subdivision will be compatible and the internal road connection has been designed in such a way as to create an interconnected network between adjoining lots, buildings and uses. There will also be shared parking agreements between adjacent lots and the subdivision will look and feel like an integrated design although some buildings/uses will be on their own lots. For this reason we would like to request that this central shared parking be allowed to be over the code minimum in order to better accommodate tenants in not only the immediate buildings on this lot but the future adjoining properties.



We look forward to discussing this with the Planning Commission at the hearing.

Sincerely,

Chris Smariga

President

CC: Karl Morris

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Exhibit #3: Parking Setback Modification



February 2nd, 2015

Tolson Desa
Frederick County Department of Community Development
30 N. Market Street
Frederick, MD 21701

Re: Request for Planning Commission Modification – Parking Setback
Westview South Lot 107 Site Plan

Dear Commission Members,

As permitted by the Zoning Ordinance, we would like to request the reduction of the parking setbacks for the site plan from 25' to 12.5' along the frontage and 0' on the sides and rear. The site is to be developed with 20,750 sf of shopping center use within two buildings along Route 85. Per staff's direction, the site is to be developed using the shopping center designation, requiring larger setbacks than initially intended. The site will accommodate the larger building setbacks, however enlarging the parking setbacks to ½ the distance of these new larger setbacks would compromise the use and functionality of the site as well as the parallel parking along the private drive.

The developer wishes to create a walkable retail environment, which encourages pedestrian circulation through design elements such as large sidewalks w/ buildings orientated to the internal street, as well as creating spaces available for outdoor seating along the building, and adequate landscaping, which will promote pedestrian and vehicular safety.

A sidewalk adjacent to Route 85 is provided onsite to accommodate pedestrian movement to and from adjacent retail areas along Route 85, as well as connecting to the site, providing pedestrian circulation in, and around the proposed structures and adjacent uses via an interior private drive. This sidewalk is placed approximately 13' from parking adjacent to Route 85, and approximately 36' from existing Route 85 drive aisles. This location for the sidewalk serves two purposes, one - it permits the sidewalk to be closer to the proposed parking therefore facilitating pedestrian access to the site, as well as to adjacent uses, and two – this location creates a more than adequate buffer to the heavier traffic along Route 85. By following the



code required half distance, per the Shopping Center use, a total of 25' would be required, which will increase the buffer between the sidewalk and Route 85 drive-aisles unnecessarily to 48.5'. In order to encourage people to utilize the sidewalk we would like to reduce this long distance from the parking area.

Also, as adjacent parcels develop, it will be necessary to allow parking closer to these uses so that visitors may be able to take advantage of overflow parking facilitated on the site. Therefore the side and rear parking setbacks of $\frac{1}{2}$ distance will hinder the cross parking access facilitated by the design, as well as eliminate parallel parking on the street which has always been the vision of the design as approved during the Preliminary Subdivision process.

We would like to request that the Planning Commission approve this modification for the parking setback as permitted in Section 1-19-6.200 (B).

Sincerely,

Jody Walker

Designer, Harris Smariga

T:7281-MATAN/correspondence/parkingsetbackmodification.020215.docx



March 13, 2015

Tolson DeSa
Frederick County Development Review
30 N. Market Street
Frederick, MD 21701

Re: Lighting at Property Line Modification – Westview Lot 107
Project Number SP#15099
HSA Job No. 7281-LT107

Dear Tolson:

We are requesting a modification for lighting at Property Lines. The modification is as follows:

1. Lighting shall not exceed .50 foot-candles as measured from the property line – Section 1-19-6.500(D)
The ordinance states that lighting shall not exceed .50 foot-candles as measured from the property line.

In the case of this project, we are proposing that light spillage along the property lines, particularly with respect to adjacent lots 106, and 109, be permitted. It is a necessary function of the overall design intent to create a cohesive shopping and dining experience. Both lot 106 and Lot 109 share vehicular drives, pedestrian connections, as well as shared parking on lot 107, therefore making light spillage a necessary factor in the safe design of these parcels.

We look forward to discussing this with the Planning Commission at the hearing.

Sincerely,

Jody Walker

Designer

CC: Craig Rudy, Brian Morris, Karl Morris

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February 23, 2015

Tolson DeSa
Frederick County Development Review
30 N. Market Street
Frederick, MD 21701

Re: Lighting Height Modification – Westview Lot 107
Project Number SP#15099
HSA Job No. 7281-LT107

Dear Tolson:

We are requesting a modification for lighting heights. The modification is as follows:

1. Pole and building mounted lighting height – Section 1-19-6.500(B)(1)
The ordinance states that Pole and building mounted lighting shall not exceed a maximum height of 14 feet in pedestrian oriented developments including pedestrian components in Mixed Use Development (MXD). The Planning Commission may modify the lighting standards within this section based on characteristics of the proposed use, photometric studies, nationally recognized standards, or other documentation as approved by the Planning Commission.

In the case of this project, we are proposing a maximum height for building mounted fixtures at 20', and a maximum pole height for parking lot lighting at 22'. There are two Commercial areas in the Westview MXD separated by Executive Way. The North side of Executive Way is existing w building mounted fixtures at approximately 21'-6" and pole mounted parking lot lighting at approximately 22' height. The style of buildings we are proposing are designed to be complimentary and similar in nature to those found on the adjacent parcels of Westview South, and are designed to act as a continuation of these existing commercial uses. To maintain consistency in design, Lot 107 and it's adjacent parcels warrant similar standards in height.

We look forward to discussing this with the Planning Commission at the hearing.

Sincerely,

Jody Walker

Designer

CC: Craig Rudy, Brian Morris, Karl Morris

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